

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

KELLY FOODS OF ALABAMA,	)	
INC.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	1:04cv1246-T
	)	
MYERS NISSI & COMPANY,	)	
INC., etc.,	)	
	)	
Defendant.	)	

RULE 26(F) ORDER

The parties are reminded of the obligation, imposed by Rule 26(f) of the Federal Rules of Civil Procedure, to confer and to develop a proposed discovery plan. Accordingly, it is ORDERED that the Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than February 18, 2005.

The longstanding practice in this district is that dispositive motions shall be filed no later than 90 days prior to the pretrial date. If the parties seek to vary from that schedule, they should present, in the plan,

specific case-related reasons for the requested variance. In their Rule 26(f) report, however, the parties should assume that the 90-day requirement will apply.

This case will be set for trial before the undersigned judge during one of that judge's regularly scheduled civil trial terms, within 7 to 10 months of this order if a term is available and, if not available, then as soon as possible thereafter. The pretrial date is normally set within four to six weeks of a scheduled trial term. The dates of each judge's civil trial terms are available on the court's website located at <<http://almd.uscourts.gov>> in the civil case information section.

The court may or may not hold a scheduling conference before issuing a scheduling order. If the court holds a scheduling conference, counsel may participate in the scheduling conference by conference call.

The scheduling order entered by the court will follow the form of the Uniform Scheduling Order adopted by the judges of this court. The Uniform Scheduling Order is also

available on the court's website.

The report of the parties should comply with Form 35 of the Appendix of Forms to the Federal Rules of Civil Procedure.

DONE, this the 26th day of January, 2005.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE